

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

FEB 14 2013

DAVID J. MALAND, CLERK

BY
DEPUTY _____

UNITED STATES OF AMERICA

§

§

v.

§

§

VICTOR HERNANDEZ-VAZQUEZ (1)

§

JOSE ANTONIO RODRIGUEZ (2)

§

NO: 4:13CR 15
Judge *Schell*

INDICTMENT

THE UNITED STATES GRAND JURY CHARGES:

Count One

Violation: 18 U.S.C. § 371
(Conspiracy to Possess a Firearm by
Prohibited Person, 18 U.S.C. § 922g(5))

1. On or about January 26, 2013, in the Eastern District of Texas and elsewhere, **Victor Hernandez-Vazquez** and **Jose Antonio Rodriguez**, defendants, did knowingly and willfully conspire, combine, confederate and agree together to knowingly possess in and affecting commerce one or more of the following firearms: a Rock River Arms AR-15 rifle, serial number KT1009405, a Century Arms AK-47 rifle, serial number VZ01355, and a DTI AR-15 rifle, serial number B-15249, while the defendants then knew **Hernandez-Vazquez** to be an alien illegally and unlawfully in the United States.

2. On or about January 26, 2013, in Lewisville, Texas, in the Eastern District of Texas, in furtherance of this conspiracy and to effect the objects thereof, the defendants committed the following overt acts, including, but not limited to:

- a. **Hernandez-Vazquez** and **Rodriguez** attended the Lewisville Gun Show.
- b. **Hernandez-Vazquez** divided money with **Rodriguez** to purchase weapons at the gun show.
- c. **Hernandez-Vazquez** purchased a Rock River Arms AR-15 rifle, serial number KT1009405 and placed the gun in a Ford F150 pickup.
- d. **Rodriguez** purchased a DTI AR-15 rifle, serial number B-15249 and placed the gun in the same Ford F150 pickup.
- e. **Hernandez-Vazquez** and **Rodriguez** purchased a Century Arms AK-47 rifle, serial number VZ01355. **Hernandez-Vazquez** gave **Rodriguez** money for the purchase of the Century Arms AK-47 rifle. **Rodriguez** provided his Texas driver's license for the purchase.

In violation of 18 U.S.C. § 371.

Count Two

Violation: 8 U.S.C. § 1326 (a) and (b)
(Reentry of Removed Alien)

On or about January 26, 2013, in the Eastern District of Texas and elsewhere, **Victor Hernandez-Vazquez**, defendant, an alien who had previously been removed on or about March 1, 2011, knowingly and unlawfully was present in the United States in Denton County, Texas, the said defendant having not obtained the consent for reapplication for admission into the United States from the Attorney General of the United States or Secretary of Homeland Security, the successor, pursuant to 6 U.S.C. §§ 202(3), 202(4) and 557.

In violation of 8 U.S.C. §1326 (a) and (b).

NOTICE OF INTENTION TO SEEK CRIMINAL FORFEITURE

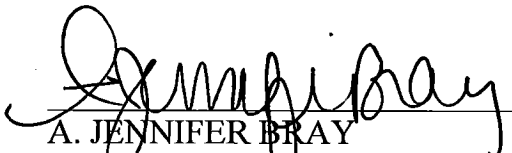
As a result of committing the offenses charged in this Indictment, the defendants shall forfeit to the United States pursuant to 18 U.S.C. § 924(d) all property used to commit or facilitate the offenses, proceeds from the offenses, and property derived from proceeds obtained directly or indirectly from the offenses, including but not limited to the following:

- Rock River Arms AR-15 rifle, serial number KT1009405;
- DTI AR-15 rifle, serial number B-15249;
- Century Arms AK-47 rifle, serial number VZ01355;
- AR-15 rifle magazine; and
- a tripod attachment.

A TRUE BILL

BB
GRAND JURY FOREPERSON

JOHN M. BALES
UNITED STATES ATTORNEY


A. JENNIFER BRAY
Special Assistant United States Attorney

February 13, 2013
Date

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	NO: 4:13CR
	§	Judge
VICTOR HERNANDEZ-VAZQUEZ (1)	§	
JOSE ANTONIO RODRIGUEZ (2)	§	

NOTICE OF PENALTY

Count One

Violation: 18 U.S.C. § 371 (18 U.S.C. § 922g(5))

Penalty: Imprisonment for a term of not more than ten (10) years; a fine not to exceed \$250,000.00; and supervised release of not more than three (3) years.

If it is shown the defendant has three previous convictions by any court for a violent felony or a serious drug offense, or both, committed on occasions different from one another - Imprisonment of 15 years to life, a fine not to exceed \$250,000.00, or both; a term of supervised release of at least 3 years but not more than 5 years

Special Assessment: \$100.00

Count Two

Violation: 8 U.S.C. §1326(a) and (b).

Penalty: Not more than two years imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than one year;

if removal was subsequent to a conviction for commission of three or more misdemeanors involving drugs, crimes against the person, or both, or a felony other than an aggravated felony - not more than 10 years

imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than 3 years;

if removal was subsequent to a conviction for commission of an aggravated felony - not more than 20 years imprisonment, a fine not to exceed \$250,000, or both; supervised release of not more than 3 years.

Special Assessment: \$100.00